

**ORDINANCE NO. 11-75**

ORDINANCE REZONING FROM R-1 (ONE FAMILY RESIDENTIAL DISTRICT) TO R-2 (ONE AND TWO FAMILY RESIDENTIAL DISTRICT) AND GRANTING A VARIANCE PERMIT TO ALLOW A DUPLEX ON A SUBSTANDARD-SIZED LOT HAVING A WIDTH OF 60 FEET, WHERE A MINIMUM AVERAGE WIDTH OF 75 FEET IS REQUIRED, TO ALLOW A LOT COVERAGE OF 35%, WHERE A MAXIMUM OF 30% IS ALLOWED, TO ALLOW ONE UNIT WITH A WEST SIDE SETBACK OF 6.34 FEET, WHERE AT LEAST 7.5 FEET ARE REQUIRED, AND A SECOND UNIT WITH A REAR SETBACK OF 10.80 FEET, WHERE A MINIMUM OF 25 FEET IS REQUIRED, CONTRA TO HIALEAH CODE §§ 98-544, 98-546, 98-547(a), AND 98-2056(b)(2). **PROPERTY LOCATED AT 831 EAST 18 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the in 1990 the property owner, pursuant to a building permit, built a second unit in the rear of the property characterized as a servant's quarters of approximately 720 square feet and containing two bedrooms, one bathroom and a living room; and

**WHEREAS**, the adjacent property to the east and three other properties across the street where rezoned from R-1 to R-2 and re-zoning this property would legitimize the intended and actual use of the rear building built pursuant to a building permit; and

**WHEREAS**, the Planning and Zoning Board at its meeting of August 24, 2011 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The below-described property is hereby rezoned from R-1 (One Family Residential District) to R-2 (One and Two Family Residential District), and is hereby granted a variance permit to allow a duplex on a substandard-sized lot having a width of 60 feet, where an average width of 75 feet is required, to allow a lot coverage of 35%, where a maximum of 30% is allowed, to allow a unit with a west side setback of

6.34 feet, where at least 7.5 feet are required, and a second unit with a rear setback of 10.80 feet, where a minimum of 25 feet is required, contra to Hialeah Code §§ 98-544, 98-546, 98-547(a) and 98-2056(b)(2) which provide in pertinent part: “The minimum building site in the R-2 one- and two-family residential district shall be one lot or parcel of land...[s]uch parcels or lots shall have an average width of at least 75 feet...”, “In the R-2 one- and two-family residential district, there shall be side yards, the width of each to be not less than ten percent of the average width of the lot, but in no case shall each such side yard be less than 7 ½ feet in width.”, “In the R-2 one- and two-family residential district, every principal residential building shall provide a rear yard of a minimum depth of 25 feet to a rear lot line...” and “In addition, every residential development except R-1 and R-4, and R-3 when developed as R-4 shall comply with the following open space and lot coverage requirements: (2) A maximum of 30 percent of the net residential land area shall be covered with or occupied by the principal residential structure.”, respectively. Property located at 831 East 18 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

LOT 19 LESS THE WEST 12 FEET, AND THE WEST 22 FEET OF LOT 18, IN BLOCK 1, OF SUN DECK VILLAGE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, AT PAGE 93, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.** Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished

by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

**Section 4: Severability Clause.**

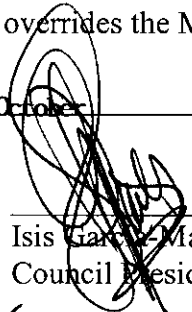
If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

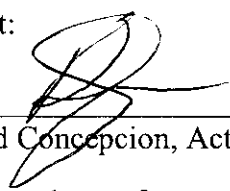
PASSED and ADOPTED this 11th day of October, 2011.

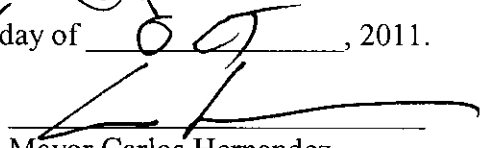
THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Isis Garcia-Martinez  
Council President

Attest:

Approved on this 14 day of October, 2011.

  
David Concepcion, Acting City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Yedra voting "Yes".